

Office of the  
Legislative Fiscal Analyst

## **FY 2003 Budget Recommendations**

Joint Appropriations Subcommittee for  
Capital Facilities and Administrative Services

Utah Department of Administrative Services  
**Judicial Conduct Commission**

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## 1.0 Summary: Judicial Conduct Commission

The Judicial Conduct Commission is a quasi-independent agency that investigates and resolves complaints against Utah judges.

The Commission is comprised of 11 members who represent the legal profession, the Legislature, the Judicial Branch and private citizens. Four members are Legislators, three are attorneys for the Bar Commission, two are judges (although only one has voting authority) and two are citizens appointed by the Governor.

A Constitutional Amendment passed in 1984 established the Commission as part of Article VIII, Section 13 of the Utah Constitution. Commission composition is defined in Utah Code Section 78-7-27.

### Financial Summary

	Analyst FY 2003 Base	Analyst FY 2003 Changes	Analyst FY 2003 Total
<b>Financing</b>			
General Fund	227,700	(600)	227,100
Beginning Nonlapsing	10,100		10,100
<b>Total</b>	<u>\$237,800</u>	<u>(\$600)</u>	<u>\$237,200</u>
<b>Programs</b>			
Judicial Conduct Commission	237,800	(600)	237,200
<b>Total</b>	<u>\$237,800</u>	<u>(\$600)</u>	<u>\$237,200</u>
<b>FTE/Other</b>			
Total FTE	2		2

The *Analyst FY 2003 Base* budget recommendation includes the *Revised Estimate* from FY 2002 as approved by the Executive Appropriations Committee and the following items:

- Adjustment for FY 2002 one-time programs;
- Payroll cost of an extra day in FY 2003;
- Transfers of Market Comparability Adjustments; and,
- Net changes for Internal Service Fund rates.

FY 2003 changes reflect the incremental costs of across the board reductions and annualization of partial budget cuts approved in FY 2002.

## **2.0 Issues:**

### **2.1 Powers of the Judicial Conduct Commission**

The Judicial Conduct Commission is made up of lawyers, legislators and citizens. Their role is to review complaints against justices or judges. In July of 1998, the Utah Supreme Court ruled that allowing Legislators to serve on the committee violated the separation of powers provision of Article V of the Utah Constitution.

As the Legislative Session began in 1999, the Supreme Court issued an opinion reversing itself on the issue. After reviewing evidence supplied by the Legislature and the Governor that voters intended for Legislators to serve on the Commission, the Justices reversed their previous decision and allowed the four Legislators to return to the Commission.

### **2.2 New Website for JCC**

In past years the Analyst expressed concern that the Judicial Conduct Commission was unable to access the state system for email and internet access. In working with the Utah Bar, the Commission has been able to create a website and email access system. The site contains the JCC Handbook and will contain the JCC Annual Report. The site is located at [http://www.utahbar.org/ljc/html/judicial\\_conduct\\_commission.html](http://www.utahbar.org/ljc/html/judicial_conduct_commission.html).

### **2.3 Danger of Budget Shortfall**

As part of its effort to balance FY 2003 the Legislature transferred \$50,000 in General Fund from the Judicial Conduct Commission to the Meals on Wheels program. It has now become apparent that the cut will result in the Judicial Conduct Commission overspending its budget. The Analyst is concerned that the FY 2003 recommendation may be meaningless if the FY 2002 shortfall is not restored.

### 3.0 Programs: Judicial Conduct Commission

#### 3.1 Judicial Conduct Commission

The Judicial Conduct Commission consists of a Director and an Administrative Assistant who investigate and resolve complaints against Utah judges. The staff manages claims, assigns inspectors, and prosecutes judges when necessary. Approximately 85 percent of all claims result in dismissal, ten percent are resolved through formal correspondence and five percent receive a formal hearing.

#### Recommendation

	2001	2002	2003	Est/Analyst
<b>Financing</b>	<b>Actual</b>	<b>Estimated</b>	<b>Analyst</b>	<b>Difference</b>
General Fund	224,800	228,400	227,100	(1,300)
General Fund, One-time		(51,400)		
Transfers		600		(600)
Beginning Nonlapsing	39,500	19,700	10,100	(9,600)
Closing Nonlapsing	(19,700)			
<b>Total</b>	<b>\$244,600</b>	<b>\$197,300</b>	<b>\$237,200</b>	<b>(\$11,500)</b>
<b>Expenditures</b>				
Personal Services	187,200	141,400	197,100	4,300
In-State Travel	600	2,600	3,800	1,200
Out of State Travel	6,700	2,000	2,200	200
Current Expense	45,900	46,700	31,900	(14,800)
DP Current Expense	4,200	4,600	2,200	(2,400)
<b>Total</b>	<b>\$244,600</b>	<b>\$197,300</b>	<b>\$237,200</b>	<b>(\$11,500)</b>
<b>FTE/Other</b>				
Total FTE	2	2	2	

Current expense in this budget is used to hire outside investigators and temporary employees based on case load. Since caseload varies from year to year, the Analyst recommends the following intent Language:

*It is the intent of the Legislature that funds for the Judicial Conduct Commission not lapse*

#### 3.2 Annual Report

The Judicial Conduct Commission is required to file an annual report. The report follows the 4.0 section of this document.

**4.0 Additional Information: Judicial Conduct Commission**

	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>
<b>Financing</b>	<b>Actual</b>	<b>Actual</b>	<b>Actual</b>	<b>Estimated</b>	<b>Analyst</b>
General Fund	216,700	219,700	224,800	228,400	227,100
General Fund, One-time				(51,400)	
Transfers				600	
Beginning Nonlapsing	47,600	45,400	39,500	19,700	10,100
Closing Nonlapsing	(45,400)	(39,500)	(19,700)		
<b>Total</b>	<b>\$218,900</b>	<b>\$225,600</b>	<b>\$244,600</b>	<b>\$197,300</b>	<b>\$237,200</b>
<b>Programs</b>					
Judicial Conduct Commission	218,900	225,600	244,600	197,300	237,200
<b>Total</b>	<b>\$218,900</b>	<b>\$225,600</b>	<b>\$244,600</b>	<b>\$197,300</b>	<b>\$237,200</b>
<b>Expenditures</b>					
Personal Services	166,000	182,700	187,200	141,400	197,100
In-State Travel	2,400	3,800	600	2,600	3,800
Out of State Travel	2,100	2,200	6,700	2,000	2,200
Current Expense	47,000	34,700	45,900	46,700	31,900
DP Current Expense	1,400	2,200	4,200	4,600	2,200
<b>Total</b>	<b>\$218,900</b>	<b>\$225,600</b>	<b>\$244,600</b>	<b>\$197,300</b>	<b>\$237,200</b>
<b>FTE/Other</b>					
Total FTE	2	2	2	2	2